

# RESPONDING TO *KNICK*

Robert F. Brown  
Brown & Hofmeister, L.L.P.

The University of Texas School of  
Law 24th Annual Land Use Planning  
Conference

(COVID-19 Edition)

1

## *KNICK*

Last summer, the U.S. Supreme Court issued its decision in *Knick v. Township of Scott, Pennsylvania*, \_\_\_ U.S. \_\_\_\_, 139 S. Ct. 2162 (2019), overruling takings precedents stretching back to the late 1800s by holding that land use litigants no longer need to seek compensation under state takings law in order to ripen their federal takings claims.

2

## RI PENESS PRE- *KNICK*

- A final and authoritative determination of how much and what type of development the government will permit .
- A rejection of a just compensation claim in state court.

3

## RI PENESS PRE- *KNICK*

- *Knick* only addresses the state compensation ripeness requirement.
- Established in *Williamson County Regional Planning Comm'n v. Hamilton Bank of Johnson City*, 473 U.S. 172 (1985).

4

## RI PENESS PRE-*KNI CK*

- In *Williamson County*, a developer brought a takings claim under 42 U.S.C. § 1983 against a zoning board that had rejected the developer's proposal for a new subdivision.
- The Court concluded that the developer's federal takings claim was "premature" because he had not sought compensation through the State's inverse condemnation procedure.

5

## RI PENESS PRE-*KNI CK*

According to the Court, "if a State provides an adequate procedure for seeking just compensation, the property owner cannot claim a violation of the [Takings] Clause until it has used the procedure and been denied just compensation."

6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: Responding to Knick

Also available as part of the eCourse  
[2020 Land Use eConference](#)

First appeared as part of the conference materials for the  
24<sup>th</sup> Annual Land Use Conference session  
"Responding to *Knick*"